

CHAPTER 2

Administration and Personnel

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ARTICLE I**In General****Sec. 2-1. City seal.**

(A) Described. The seal of the City shall consist of a center circular field and an encircling field, such fields being separated from each other by a raised circular rim. The encircling field shall be circumscribed by an outer and final circular raised rim. Within the foreground of the center field the representation of two (2) miners at work with pick and shovel shall be in relief; on the background of the center field a representation of mountain peaks, across which the word "Seal," shall be in relief; beneath the foreground and within the center field shall appear in relief the following words and figures: "March 9, 1878"; above the background and within the center field shall appear in relief the word "Organized"; and within and around the encircling field shall appear in relief the following words: "Idaho Springs, Clear Creek County, Colorado."

(B) Use. The City seal shall be affixed to any document for purposes of authentication under the provisions of the statute in such cases made and provided, and to ordinances of the City. The seal shall be affixed to every contract or other instrument requiring the seal of the City under any law of the State or any ordinance. (Ord. 8 §1, 2006)

Sec. 2-2. Oath for City officers.

Each and every officer of the City, whether elected or appointed, shall, before entering upon the duties of his or her office, make and subscribe an oath before a proper officer that he or she will support the Constitution of the United States, the Constitution and laws of the State and the ordinances of the City, and that he or she will well and truly perform the duties of his or her office to the best of his or her skill and ability. (Ord. 8 §1, 2006)

Sec. 2-3. Compensation of Mayor and Councilmembers.

(A) Mayor. The Mayor shall be compensated at the rate of two thousand four hundred dollars (\$2,400.00) per calendar quarter of service as such.

(B) Councilmembers. Each member of the City Council shall be compensated at the rate of one thousand two hundred dollars (\$1,200.00) per calendar quarter of service as such.

(C) Proration. If the Mayor or any Councilmember shall serve less than a full calendar quarter, the compensation payable to such officer shall be prorated based upon the number of days actually served in such calendar quarter.

(D) Expenses. All necessary and reasonable expenses incurred by the Mayor and any Councilmember in the performance of his or her duties as such shall be reimbursed by the City upon presentation of appropriate written documentation.

(Ord. 8 §1, 2006; Ord. 10 §§1, 2 2007)

Sec. 2-4. Appointed officers.

(A) Not later than the fifteenth day of February of each year next following a regular municipal election, the City Council shall appoint a qualified person to fill the office of Municipal Judge, such person to serve from the date of appointment until his or her successor is appointed and qualifies.

(B) The City Council shall appoint such other City officers, including a City Administrator and other officers as may be necessary or desirable, at such times as the City Council determines is appropriate. Pursuant to Section 31-4-107(2)(b), C.R.S., such officers shall be appointed to serve at the pleasure of the City Council.

(C) Residence in the City shall not be a mandatory qualification for a person to serve as an appointed officer pursuant to this Section.

(D) The compensation of all such officers shall be fixed by ordinance or by the City of Idaho Springs Compensation Plan, adopted by ordinance, as authorized by Section 31-4-109, C.R.S. Ordinances fixing compensation of the Municipal Judge and City Attorney may do so by reference to a contract approved by the City Council.

(E) One (1) person may hold two (2) or more appointive offices if compatible with the interests of the City government as determined by the City Council. (Ord. 8 §1, 2006; Ord. 2 §1, 2010)

Sec. 2-5. Departments established.

The departments listed below are hereby established, and the functions of the City government shall be divided into and allocated among them as provided in this Chapter:

(1) Administration.

(2) Public Works.

(3) Police.
(Ord. 8 §1, 2006)

Sec. 2-6. Surveyor; Auditor; other professional service contracts.

(A) Surveyor. The City Council may from time to time designate and contract with a person currently licensed and registered as a land surveyor in the State to serve on a task-order basis as City Surveyor. While so designated and engaged, the City Surveyor shall perform such surveying duties as the Mayor and City Council may from time to time direct. All such work shall be performed in accordance with the laws of the State.

(B) Auditor. The City Council shall designate and contract with a certified public accountant currently licensed as such in the State to serve as City Auditor. The City Auditor shall each year perform an annual audit of the financial statements of the City, in accordance with and subject to the provisions of the Colorado Local Government Audit Law, Section 29-1-601 *et seq.*, C.R.S., as amended.

(C) Other. The City Council may from time to time designate and contract with other qualified persons to furnish and perform on a task-order basis such other professional services, including without limitation engineering, for or on behalf of the City, as the City Council may from time to time direct.
(Ord. 8 §1, 2006)

Secs. 2-7—2-10. Reserved.**ARTICLE II****City Council****Sec. 2-11. Terms of office.**

At each regular municipal election, three (3) Councilmembers, one (1) from each ward, shall be elected to serve four-year terms.
(Ord. 8 §1, 2006)

Sec. 2-12. Time and place of regular meetings.

The City Council shall hold two (2) regular meetings each month, one (1) on the second and one (1) on the fourth Monday of each month, unless such Monday falls on a legal holiday as designated annually by the City Council, in which case such meeting may be cancelled or rescheduled to a different date by the City Council. Unless otherwise stated in a meeting notice, all regular meetings of the City Council shall commence at the hour of 7:00 p.m., and be held at the City Hall.
(Ord. 8 §1, 2006)

Sec. 2-13. Special meetings.

Special meetings may be called and held from time to time, and notice thereof shall be given to the public, the Mayor and members of the City Council, all as provided by the laws of the State.
(Ord. 8 §1, 2006)

Sec. 2-14. Mayor; Mayor Pro Tem.

The Mayor shall preside at all meetings of the City Council and shall be entitled to vote on all matters pending before the City Council. Not less than forty-five (45) days after each regular municipal election, the City Council shall choose one (1) Councilmember as Mayor Pro Tem who, in the Mayor's absence, shall perform the Mayor's duties.
(Ord. 8 §1, 2006)

Sec. 2-15. Quorum; voting.

(A) No action shall be taken by the City Council except at a meeting and unless a quorum is present. Four (4) members of the City Council, including the Mayor, shall constitute a quorum. In the event that vacancies, but not absences, on the City Council, inclu-

sive of a vacancy in the office of Mayor, cause the number of sitting Councilmembers to fall below four (4), then the number of members necessary to constitute a quorum shall be reduced by one (1) so that business may be transacted until one (1) or more such vacancies are filled.

(B) Subject to Subsection (D) below, a quorum shall be deemed present if the requisite number of Councilmembers are present in the room where the meeting is being conducted.

(C) A quorum shall be deemed lost as to any measure before the City Council if, at the time the measure is put to the question, less than the requisite number of Councilmembers are present in the room where the meeting is being conducted.

(D) A Councilmember shall not be counted for purposes of determining the presence of a quorum as to any measure before the City Council, nor shall such Councilmember vote thereon, if disqualified from voting on such measure pursuant to Section 24-18-109(3)(a) or 31-4-404(2), C.R.S., as amended.

(E) A Councilmember may vote on any measure before the City Council, notwithstanding such Councilmember's disqualification under Subsection (D) above, if the Councilmember's participation is necessary to obtain a quorum or otherwise to enable the City Council to act, and if such Councilmember complies with the voluntary disclosure procedures provided in Section 24-18-110, C.R.S., as amended.

(F) Ordinances, resolutions or orders for the appropriation of money, the adoption or amendment of the City budget or the entering into of a contract shall require the affirmative vote of a majority of the membership of the City Council. Unless otherwise specifically provided, all other measures or actions may be taken or approved by a majority vote of the membership present at the time.

(G) In the event there are four (4) or more vacancies existing at a given time on the City Council, or where legally disqualifying conflicts of interest prohibit three (3) or more Councilmembers from voting on a matter as described in Subsection (F) above, the number of votes necessary to approve an action described in Subsection (F) shall be reduced by one (1).

(H) At any meeting at which a quorum is not present, the Councilmembers present may fix a time and place to which to adjourn the meeting. Notice of such adjourned meeting shall be given to all Councilmembers in the same manner required for notice of special meetings.

(Ord. 8 §1, 2006)

Sec. 2-16. Agenda.

All reports, communications, ordinances, resolutions, contracts, documents or other matters to be submitted at any meeting of the City Council shall be submitted in advance of each meeting to the City Clerk, who shall prepare an agenda for the meeting. Prior to the meeting, each Councilmember, the Mayor and City Attorney shall be furnished with a copy of the agenda, together with a copy of the minutes of the last preceding meeting.

(Ord. 8 §1, 2006)

Sec. 2-17. Authority of presiding officer.

The Mayor or other presiding officer shall preserve order and shall decide questions of order, subject to appeal to the City Council. All questions relating to the priority of business shall be decided by the Mayor, or other presiding officer, without debate.

(Ord. 8 §1, 2006)

Sec. 2-18. General rules of order.

The maintenance of order, rules of procedure and order of business, in all respects not specifically provided for in this Chapter, shall be in accordance with the provisions of *Robert's Rules of Order, Newly Revised*, insofar as they are applicable to govern deliberative and legislative assemblies and are not in conflict with the provisions of this Chapter or the laws of the State.

(Ord. 8 §1, 2006)

Sec. 2-19. Regulations as to Councilmembers.

Any Councilmember desirous of speaking shall address the Mayor or other presiding officer as "Mr./Madam Mayor," but shall not proceed further until recognized and named by the Chair.

(Ord. 8 §1, 2006)

Sec. 2-20. Committees.

The Mayor may appoint such committees from time to time as deemed necessary or convenient for the good government of the City, with the concurrence of the City Council.
(Ord. 8 §1, 2006)

Sec. 2-21. Absences.

Any Councilmember who is absent from any meeting without reasonable cause may be compelled to attend by order of the City Council, and it shall be the duty of any police officer to execute such order and bring such absentee before the City Council. Persistent, unexcused absence from meetings shall be cause for expulsion from the City Council, and absence from three (3) consecutive regular meetings without a reasonable excuse shall be evidence of such cause.
(Ord. 8 §1, 2006)

Secs. 2-22—2-30. Reserved.**ARTICLE III****Mayor****Sec. 2-31. Term of office.**

The Mayor shall be elected to serve a term of office of four (4) years.
(Ord. 8 §1, 2006)

Sec. 2-32. Powers and duties generally.

The Mayor shall preside over the meetings of the City Council, and shall perform such duties as may be required of the Mayor by statute, the provisions of this Code or other ordinances of the City. The Mayor shall be entitled to vote on all matters pending before the City Council.
(Ord. 8 §1, 2006)

Secs. 2-33—2-40. Reserved.**ARTICLE IV****Independent Officers****Sec. 2-41. City Clerk.**

(A) The City Clerk shall be elected to serve a term of office of four (4) years.

(B) In addition to performing those duties imposed upon the City Clerk by State law, the City Clerk shall have and perform the following duties and responsibilities:

(1) Attend all scheduled meetings of the City Council and serve as recording secretary. Attend all scheduled City Council work sessions.

(2) Promptly prepare minutes of all City Council meetings and present for City Council approval at the next regular meeting.

(3) Maintain a working knowledge of the City's Municipal Code and all sections of the State Statutes having an impact on the duties of the City Clerk, including, but not limited to, the Municipal Election Code, the Colorado Beer Code, the Colorado Liquor Code and the Colorado Medical Marijuana and the Colorado Retail Marijuana Code.

(4) Prepare and issue all licenses issued by the City when required by the Municipal Code, keep a complete and accurate record of the name of each licensee, the amount paid for the license, the purpose and length of time for which the license was issued and the expiration date thereof. Present for Council approval when required.

(5) Attend all scheduled meetings of the local Liquor & Marijuana Licensing Authority and serve as secretary thereto; distribute and review all license applications for completeness; refer license applications to the Chief of Police and City Attorney for statutory compliance review prior to consideration by the Authority.

(6) Prepare as necessary applications for public hearing when applicable.

(7) Accept changes of corporate structure, changes of trade name or corporate name, manager registrations and requests for modification of licensed premises; schedule consideration by the Authority.

(8) Prepare resolutions and ordinances as required; coordinate with City Attorney when appropriate.

(9) Update copies of City's Municipal Code when ordinance adoption requires and codify ordinances annually or more often when necessary.

(10) Accept and process applications for license renewal for liquor, medical and retail marijuana and applications for special event permits that require liquor approval; promptly report all actions taken to the City Council.

(11) Serve as primary staff support to Variance Board, Planning Commission and HPRC; act as recording secretary for each; schedule meetings, prepare agendas, prepare and distribute packets, post notices.

(12) Supervise the Administrative Department Clerks.

(13) Accept and process applications for Public Events on City-owned property; promptly report all actions taken to the City Council.

(14) Maintain the City's fee schedule; recommend changes to the City Council for adoption as needed.

(15) Accept payments at the Clerk's window in City Hall.

(16) Provide customer assistance as needed at the Clerk's window, by telephone or email.

(17) Act as official custodian of all public records of the City except criminal justice records.

(18) Organize and maintain the City's archives, records room and general files.

(19) Furnish certified copies of public records in the City Clerk's official custody upon payment of such fees as are established by the City.

(20) Serve as the City's election official; all duties as required by law.

(21) Cause timely publication of the City Council's proceedings relating to ordinances, contracts and the payment of bills as required by law.

(22) Coordinate the preparation and distribution of the agenda and meeting packets for all the City Council meetings and work sessions.

(23) Maintain a general knowledge of the duties of the Administrative/Payroll/Court/Utility Clerk in order to provide assistance when necessary.

(24) Perform such other administrative/clerical tasks as may be assigned from time to time by the Mayor, reporting to the Mayor in connection therewith; any dispute between the Mayor and the City Clerk involving such duties of the performance thereof shall be resolved by the City Council.

(25) Coordinate in advance with the Mayor and City Administrator for all time off, including vacation and leave, to ensure coverage of duties; all such time off must be approved in advance by the Mayor with any disputes involving time off, vacation or leave to be resolved by the City Council.

(26) Other duties as required by the ordinances of the City.
(Ord. 8 §1, 2006; Ord. 6 §1, 2014)

Sec. 2-42. City Treasurer.

(A) The City Treasurer shall be elected to serve a term of office of four (4) years.

(B) In addition to performing such duties as may be imposed upon the City Treasurer by the laws of the State, the City Treasurer shall have and perform such duties and responsibilities as may be prescribed by the City Council by ordinance from time to time.
(Ord. 8 §1, 2006; Ord. 7 §4, 2013)

Sec. 2-43. City Attorney.

(A) Appointment. The City Council shall appoint a person currently licensed to practice law in the State to serve as City Attorney. The City Attorney shall be a statutory officer of the City and shall report directly to and be subject to the direct management of the Mayor for day-to-day operations and responsible to the City Council in matters of policy and for the efficient and effective performance of the duties and responsibilities specified in Subsection (B) below.

(B) Powers and duties. The City Attorney shall have the following responsibilities:

(1) Act as general municipal counsel to and furnish legal advice and representation to the City, as directed by the City Council.

(2) Prepare, or supervise the preparation of, and review all ordinances, contracts, bonds and other written instruments which are submitted by the City for preparation or legal review, and furnish advice as to the legal consequences thereof.

(3) Call to the attention of the City all matters of law, and changes and developments therein, affecting the City.

(4) Perform such other duties as may be prescribed by the City Council, by contract or otherwise.

(C) Right to be heard. The City Attorney shall have the right to be heard upon all questions or motions before the City Council amending, repealing or in any manner affecting any ordinance in force or proposed for adoption by the City Council.
(Ord. 8 §1, 2006)

Sec. 2-44—2-50. Reserved.

ARTICLE V

Administration Department

Sec. 2-51. Organization; responsibilities.

(A) The Administration Department shall consist of the City Administrator, one (1) or more administrative secretaries, the Building Official, the City Planner, the Municipal Court Clerk and such other persons as the City Council shall deem necessary for the good government of the City.

(B) The Administration Department shall be managed and supervised by the City Administrator and shall have the following responsibilities:

(1) Prepare a proposed annual budget for consideration and adoption by the City Council, and administer the annual budget of the Administration Department, as adopted.

(2) Exercise proper care and custody of all property, public and private, entrusted to it; prepare and maintain inventories of the same; and account for the same as required by the City Council.

(3) Exercise the management, organizational and financial control of all programs within the Administration Department.

(4) Develop, propose to the City Council for adoption, maintain, administer and enforce appropriate policies and guidelines, including position descriptions for City employees, the City Clerk and the City Treasurer, except that the compensation and benefits provided for all employee positions and offices shall be determined by the City Council.

(5) Administer the employee benefits programs of the City.

(6) Administer the purchases and contracts of the City, and the transfer, sale or exchange of surplus City property.

(7) Oversee the City's insurance coverage, annual renewal, claims reporting and all correspondence regarding the same.

(8) Direct and maintain inventory and accounting records of supplies purchased by the City.

(9) Administer and enforce the land use and development codes and regulations of the City.

(10) Develop and implement neighborhood planning, redevelopment and maintenance strategies, including fair housing and economic development.

(11) Monitor, develop and propose amendments to the City's Comprehensive Plan, as adopted by the City Council.

(12) Furnish adequate and appropriate staff support to the City Council, Planning Commission and such other boards, committees and commissions of the municipal government as the City Council may from time to time direct.

(13) Perform such other duties as may be prescribed by the City Council.
(Ord. 8 §1, 2006)

Sec. 2-52. Rules and regulations.

The Administration Department shall be operated and managed in accordance with such rules and regulations as may from time to time be prepared and recommended by the City Administrator and approved by the City Council.
(Ord. 8 §1, 2006)

Sec. 2-53. City Administrator.

(A) The City Administrator shall be an officer of the City who shall be selected and appointed by the City Council pursuant to Section 2-4 above, solely on the basis of professional experience and qualifications.

(B) The City Administrator shall be the chief administrative officer of the City, and shall have and exercise managerial and supervisory authority over the administrative secretaries, the Building Official, the City Planner, the Municipal Court Clerk and any other persons employed as members of the Administration Department.

(C) The City Administrator shall be directly responsible to the Mayor for day-to-day operations and to the City Council in matters of policy and for the efficient and effective performance of the duties and responsibilities assigned to the Administration Department in Subsection 2-51(B) above.

(D) The City Administrator shall have the power and authority to hire, discipline and terminate the employment of all employees of the Administration Department other than the Building Official or City Planner; provided, however, that the City Council may countermand or set aside any personnel action taken by the City Administrator at any time.

(E) In addition to discharging the responsibilities imposed upon the City Administrator by Subsections (B) and (C) above, the City Administrator shall perform the following:

(1) Attend all scheduled Council meetings and work sessions, participate in discussions and make recommendations to City Council. Provide administrative updates for all Council meetings.

(2) Ensure the implementation of City Council policies and directives.

(3) Prepare and recommend an annual budget to the Council.

(4) File Approved Budget and Certification of Mil Levy with DOLA and state as required.

(5) In cooperation with the City Treasurer, monitor budgetary and fiscal control through accepted fiscal and accounting procedures including familiarity with financial software and training.

(6) Monitor to insure compliance with the City's Purchasing Policy.

(7) Ensure that all department heads are performing employee performance measurements and that these are incorporated into the budget planning process.

(8) Oversee Human Resources activities for the City in cooperation with department heads. Serve as support to Personnel Review Board and Administrative Committees. Maintain confidential personnel files. Informs permanent/full time employees of available benefits.

(9) Responsible for oversight of the City's insurance coverage for property casualty and workers compensation, annual renewal and claims reporting and all correspondence regarding such.

(10) Serve as safety coordinator.

(11) Maintain the employee handbook; recommend updates to the City Council for adoption.

(12) Attend appropriate meetings of organizations whose activities may affect the operation of the City. Provide the City Council with updates of these organizational activities.

(13) Coordinate Public Relations activities for the City. Duties include but are not limited to performing citizen outreach and intergovernmental relations activities for the City and providing liaison with various intergovernmental agencies, civic groups, and the public.

(14) Coordinate staff support to City Council, including composing and editing correspondence, informational surveys, reports studies, scheduling appointments, researching records and investigations.

(15) Supervise City Planner, Code Compliance Officer and Deputy Treasurer. Serve as primary contact with the Building Official, Attorney and any other professional service contractor engaged by the City. Research and advise the Council on grants and other financial techniques and strategies.

(16) Write grant applications. Administer grants, if funded, in accordance with contracting agency. Monitor that grant projects are done within the scope of services and in a timely manner.

(17) Assist with special projects and studies when necessary.

(18) Develop, review, implement and update various City guidelines and plans in conjunction with other departments and the City Council. This includes bi-annual compensation plan, 5-year capital improvement plan, etc.

(19) Monitor water rights with attorney. Responsible for billing water leases payments.

(20) Other duties as may be required by the ordinances of the City.

(21) Perform any additional duties as directed by the Mayor or City Council.
(Ord. 8 §1, 2006; Ord. 6 § 2, 2014)

Sec. 2-54. Building Official.

(A) The Building Official shall be an employee or independent contractor of the City, who shall be selected and employed by the City Council solely on the basis of professional experience and qualifications.

(B) The Building Official shall have the power and responsibility to administer and enforce the building and zoning regulations of the City. The powers of the Building Official include all those expressly granted to the Building Official by any such codes and regulations as they are adopted and amended from time to time by the City Council.

(C) The Building Official shall report to and be subject to the direct management and control of the City Administrator.
(Ord. 8 §1, 2006)

Sec. 2-55. City Planner.

(A) The City Planner shall be an employee or independent contractor of the City, who shall be selected and employed by the City Council solely on the basis of professional experience and qualifications.

(B) The City Planner shall have the powers and responsibilities set forth in Chapter 21 (Zoning) and Chapter 24 (Subdivision Regulations), and have any other duties specifically assigned by the City Administrator, Mayor or City Council.

(C) The City Planner shall report to and be subject to the direct management and control of the City Administrator.
(Ord. 8 §1, 2006)

Sec. 2-56. Code Compliance Officers.

(A) For purposes of this Code, a code compliance officer means an employee of the Administration Department who is not a police officer, as defined by Code Section 2-74, and who is a specialist designated to enforce Chapters 10 and 16 of this Code, Code Section 15-55 concerning abandoned vehicles, and all parking regulations of the City. By virtue of their exclusion from the ranks of police officers, code compliance officers are not authorized to enforce all the laws of the State or all of the laws of the City.

(B) Authority. Code compliance officers are authorized to investigate, issue and serve summonses and complaints only for offenses committed in violation of the particular Code sections and regulations they are empowered to enforce.

(C) Restrictions. The aforementioned limitations do not permit code compliance officers to carry firearms while engaged in the performance of their duties, make arrests or exercise any other duty of police officers not specifically authorized by this Section.
(Ord. 6 § 4, 2014)

Sec. 2-57—2-60. Reserved.

ARTICLE VI

Public Works Department

Sec. 2-61. Organization; responsibilities.

(A) The Public Works Department shall consist of a person designated by the City Council from time to time to oversee the operations of the Public Works Department and such other persons as the City Council shall deem necessary for the good government of the City.

(B) The Public Works Department shall be managed by such designated person, and shall have the following responsibilities:

(1) Prepare and timely submit to the City Administrator written budget estimates for the Public Works Department, and administer the annual budget of the Public Works Department, as adopted.

(2) Exercise proper care and custody of all property, public and private, entrusted to it; prepare and maintain inventories of the same; and account for the same as required by the City Council.

(3) Administer and enforce all regulations of the City governing excavations in, access to and uses of City streets and other property.

(4) Administer and enforce the conveyance and acceptance of the public improvement provisions of this Code.

(5) Maintain, repair and service all equipment and other City property in its custody or subject to its control.

(6) Maintain and operate the City's water and wastewater treatment plants.

(7) Maintain City buildings and parks and open space properties.

(8) Maintain the Idaho Springs Cemetery; open and close graves as directed by the City Clerk; and coordinate with the City Clerk in the preparation and maintenance of accurate burial records.

(9) Plan, design, administer, coordinate and maintain the public works of the City, including the water, sanitary sewer and stormwater utilities and collection and distribution systems.

(10) Prepare and maintain official maps of the City and acquire the necessary easements, rights-of-way and real property for City public works, parks, open space and utility facilities.

(11) Plan, design and operate the City street lighting and other electrically operated traffic control devices.

(12) Regulate and maintain public streets, alleys and municipal parking areas within the City; clean improved public streets; and remove snow from streets designated for plowing.

(13) Maintain and preserve all records of engineering work performed by or for the City.

(14) Develop, maintain and implement master utility plans for the water, sanitary sewer and stormwater utilities.

(15) Perform such other duties as may be prescribed by the Mayor or the City Council.
(Ord. 8 §1, 2006)

Sec. 2-62. Designation; responsibilities.

(A) The person designated by the City Council to oversee the Public Works Department operations shall be an employee of the City, selected and appointed by the City Council solely on the basis of professional experience and qualifications.

(B) The person so designated shall be responsible to the Mayor for day-to-day operations and to the City Council in matters of policy and for the efficient and effective performance of the duties and responsibilities assigned to the Public Works Department in Subsection 2-61(B) above.

(C) The person so designated shall have the power and authority to hire, discipline and terminate the employment of all employees of the Public Works Department under his or her supervision; provided, however, that the City Council may countermand or set aside any personnel action taken at any time.
(Ord. 8 §1, 2006)

Sec. 2-63. Rules and regulations.

The Public Works Department shall be operated and managed in accordance with such rules and regulations as may from time to time be prepared and recommended by the person designated to oversee the operations of the Public Works Department and approved by the City Council.
(Ord. 8 §1, 2006)

Secs. 2-64—2-70. Reserved.

ARTICLE VII**Police Department****Sec. 2-71. Organization; responsibilities.**

(A) The Police Department shall consist of a Chief of Police and as many police officers and other employees as the City Council may deem necessary for the good government of the City.

(B) The Police Department shall be managed by the Chief of Police and shall have the following duties and responsibilities:

(1) Prepare and timely submit to the City Administrator written budget estimates for the Police Department, and administer the annual budget of the Police Department as adopted.

(2) Exercise proper care and custody of all property, public and private, entrusted to it; prepare and maintain inventories of the same; and account for the same as required by the City Council.

(3) Preserve public peace, enforce the laws of the State and the ordinances of the City; prevent crime, protect property and the rights of persons; and arrest and properly exercise custody of persons subject thereto under the laws of the State and the ordinances and court rules of the City.

(4) Administer, plan, organize, control, direct, have custody of and care for all Police Department property.

(5) Prepare and maintain such books, records and reports as may from time to time be required by the City Council and by applicable laws of the United States and the State.

(6) Perform such other duties as may be prescribed by the Mayor or the City Council.
(Ord. 8 §1, 2006)

Sec. 2-72. Chief of Police.

(A) The Chief of Police shall be an officer of the City, who shall be selected and appointed by the City Council pursuant to Section 2-4 above solely on the basis of professional experience and qualifications. The Chief of Police shall additionally be certified as a peace officer pursuant to the laws of the State.

(B) In addition to those duties imposed upon chiefs of police by the laws of the State, the Chief of Police shall be responsible to the Mayor for day-to-day operations and to the City Council in matters of policy and for the efficient and effective performance of the duties and responsibilities assigned to the Police Department in Subsection 2-71(B) above. He or she shall be the official custodian of all criminal justice records of the City, shall investigate all violations of law, orders, rules and regulations or any other misconduct on the part of department personnel and shall report promptly and fully concerning such investigations to the Mayor and City Council.

(C) The Chief of Police shall have all powers conferred upon peace officers by the laws of the State and this Code.

(D) The Chief of Police shall have the power and authority to hire, discipline and terminate the employment of all employees of the Police Department; provided, however, that the City Council may countermand or set aside any personnel action taken by the Chief of Police at any time.
(Ord. 8 §1, 2006)

Sec. 2-73. Rules and regulations.

The Police Department shall be operated and managed in accordance with such rules and regulations as may from time to time be prepared and recommended by the Chief of Police and approved by the City Council.
(Ord. 8 §1, 2006)

Sec. 2-74. Powers and duties of police officers.

(A) All police officers shall be peace officers within the meaning of the laws of the State and shall have all powers conferred upon them by such laws and by the provisions of this Code, specifically including the power to serve and enforce criminal process.

(B) All members of the Police Department shall have the power and the duty to enforce all laws of the State and all ordinances of the City; to suppress riots, disturbances and breaches of the peace; and to arrest all persons subject thereto under the laws of the State or the ordinances or court rules of the City.

(C) Every police officer shall, upon being hired by the City, make and subscribe an oath before a proper officer of the City that he or she will support the

Constitution of the United States, the Constitution and laws of the State and the ordinances of the City, and that he or she will well and truly perform to the best of his or her skill and ability the duties of police officer for the City.

(Ord. 8 §1, 2006)

Sec. 2-75. Uniforms.

Every police officer shall wear a uniform of the type and quality prescribed by the City Council, as recommended by the Chief of Police.

(Ord. 8 §1, 2006)

Sec. 2-76. Reserve police.

Upon the approval of the City Council, the Chief of Police may from time to time hire qualified persons to act as reserve police officers. Such persons shall serve without pay, but the City shall provide suitable uniforms and other equipment as determined by the Chief of Police. While on duty, reserve police officers shall have all powers and duties of regular police officers. Subject to the approval of the City Council, the Chief of Police shall prescribe such rules and regulations concerning reserve police officers as are not in conflict herewith or with applicable provisions of state law.

(Ord. 8 §1, 2006)

Sec. 2-77. Extraterritorial duty on request.

The Chief of Police may, in his or her discretion, upon request of the chief of police or person exercising the functions thereof in any other jurisdiction, assign police officers under his or her control, together with such equipment as the Chief of Police shall deem to be proper, to perform temporary duty in the requesting jurisdiction.

(Ord. 8 §1, 2006)

Sec. 2-78. Reserved.

Editor's note: Ord. 6 § 3, adopted January 12, 2015, repealed § 2-78, which pertained to code enforcement officers and derived from Ord. 3 §1, 2010.

Secs. 2-79—2-90. Reserved.

